

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG
United States District Judge

101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

April 9, 2001

MEMORANDUM TO COUNSEL RE: David Johnson v.
Lechters Baltimore, Inc.
Civil #L-00-1714

Dear Counsel:

I am in receipt of (i) plaintiff's motion to allow the belatedly received expert witness report of Willie T. Hamlin, M.D., and (ii) the opposition thereto. The motion is hereby DENIED because:

(i) the proposed designation of Dr. Hamlin is untimely, coming after discovery has ended, and

(ii) Dr. Hamlin is apparently not a treating psychiatrist/psychologist, but an expert consulted purely for litigation, and

(iii) there is no suggestion that Mr. Johnson has a serious mental disorder such as schizophrenia. Instead, Dr. Hamlin apparently proposes to testify that plaintiff was distressed by the way in which he was treated by Lechters. I do not permit parties to introduce psychiatric testimony on this issue. The plaintiff can describe his suffering to the jury, and the jury is fully competent to evaluate the testimony. In any event, the designation of the expert is simply too late.

Despite the informal nature of this memorandum, it shall constitute an Order of Court and the Clerk is directed to docket it accordingly.

Very truly yours,



Benson Everett Legg

c: Court file